

REMARKS

Claims 1, 6-14, 44-45, 48-55, and 58-65, as amended, are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, claims 3, 6, 7, 9 and 10 have been amended to further clarify features of the present invention. As no new matter has been added, Applicants respectfully request entry of these amendments at this time.

ALLOWABLE SUBJECT MATTER

Applicant appreciates the Examiner's indication of allowable subject matter in claims 1-2, 5, 7/1, 8/(7/1), 9/(7/1), 10, 11/1, 11/5, 12-13, 15-16, 17/5, 18-22, and 24-26. Applicant also appreciates the Examiner's recognition of allowable subject matter in claim 6 if rewritten in independent form. As discussed below, the remaining pending claims are also believed to be in condition for allowance.

THE REJECTIONS UNDER 35 U.S.C. § 112

Claims 3-4, 6, 7/3, 8/(7/3), 9/(7/3), 10, 11/3, and 17/3 were rejected under 35 U.S.C. § 112 as being indefinite. As a threshold matter, Applicants note that claim 7 was previously amended to depend from 1 or 5, not 3. As such, for the purposes of this response, Applicants assume that the Examiner intended to reject claim 7 based on its dependency from 5, not 3.

Applicant has amended claims 3, 6, 7, 9, and 10 to correct certain typographical errors. For example, claim 3 and 9-10 have been amended to remove the "=" to remain consistent with the other claims. In addition, claim 6 was amended to remove the extraneous "2" and claim 7 was amended to add a fluorine atom to the carbon immediately below the oxygen atom.

Moreover, the structures in claims 3 and 10 have been revised to address the Examiner's concerns. Applicants direct the Examiner to the Written Description, which clearly describes these structures. In fact, the third structure is described as a preferred fluoropolymer.

In light of the foregoing, Applicant respectfully submits that the 35 U.S.C. § 112 rejections are overcome.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 3-4, 11/3, and 17/3 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,397,829 to Morgan (“Morgan”) or U.S. Patent No. 5,547,761 to Chapman (“Chapman”). As discussed in detail below, neither reference renders obvious the present invention.

The Examiner asserts that Morgan and Chapman disclose that the copolymer is suitable for coating golf balls and golf ball cover layers. Office Action at Page 5. However, a closer review of these references reveals that the cited portions of the Written Description are limited to coating articles such as extrusion dies and molds that are *used for* forming rubber and plastic parts (including golf balls), but not on or in the golf balls.¹ *See, e.g.*, Col. 13, lines 3-6 of Morgan, and Col. 12, lines 36-39 of Chapman. This concept is further illustrated by Example 26, in which a TFE/HFP copolymer is used as a coating *for an injection molding mold* for forming a golf ball. *See, e.g.*, Col. 32, lines 1-21 of Morgan, Col. 31, lines 5-21 and Claim 8 of Chapman. As such, there is no disclosure or suggestion anywhere in either Morgan or Chapman of using the presently recited materials in or on a golf ball.

In light of the complete lack of any disclosure or suggestion of using fluoropolymers in or on a golf ball, Applicant respectfully submits that neither Chapman nor Morgan renders the present invention obvious. As such, Applicant requests reconsideration and withdrawal of the 35 U.S.C. § 103 rejection based thereon.

CONCLUSION


All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

¹ Applicant is aware that the arguments presented on Page 16 of the response dated April 22, 2008 seem to contradict this statement; however, the more recent inspection of Morgan appears to be the correct interpretation of the reference.

No fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-033-RE.

Respectfully submitted,
HANIFY & KING
Professional Corporation

Dated: May 4, 2010

By: 
Stephanie D. Scruggs, Registration No. 54,432
HANIFY & KING
Professional Corporation
1055 Thomas Jefferson Street, N.W., Suite 400
Washington, D.C. 20007
(202) 403-2105 Telephone
(202) 429-4380 Facsimile